



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

**COPY MAILED**

OCT 01 2007

**OFFICE OF PETITIONS**

In re Patent No. 7,165,548 :  
Deem et al. : LETTER REGARDING  
Issue Date: January 23, 2007 : PATENT TERM ADJUSTMENT  
Application No. 10/630,473 : and  
Filed: July 29, 2003 : NOTICE OF INTENT TO ISSUE  
Atty Docket No. 38349-0103H : CERTIFICATE OF CORRECTION

This letter is in response to the "PETITION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.705(d)" filed March 23, 2007.

The request for correction of the patent term adjustment under 37 CFR §1.705(d) is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of seventy-seven (77) days.

On January 23, 2007, the above-identified application matured into U.S. Patent No. 7,165,548. The instant request for reconsideration filed March 23, 2007 was timely filed within 2 months of the date the patent issued. See § 1.705(d).

Patentees assert that there should be no applicant delay for a "Miscellaneous Incoming Letter" entered on September 8, 2006. Patentees note that the only papers filed that day were a good faith letter regarding patent term adjustment and the issue fee transmittal.

Patentees are correct that the 120 day reduction is not warranted. A review of the record confirms that the reduction of 120 days was entered for the filing on September 8, 2006 of the Letter Regarding Patent Term Adjustment.

§ 1.704(e) provides that:

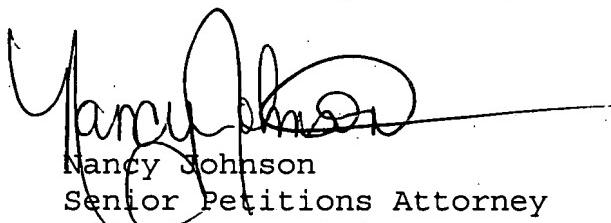
Submission of an application for patent term adjustment under § 1.705(b) (with or without request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

In view thereof, the patent should have issued with a revised patent term adjustment of seventy-seven (77) days.

The paper filed September 8, 2006 did not require the \$200.00 fee set forth in 37 CFR 1.18(e). As such, no fee is required on this request for reconsideration of the entry of a reduction for the filing of the no fee paper. The fee charged has been refunded to petitioner's Deposit Account as authorized.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seventy-seven (77) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,165,548 B2  
DATED : January 23, 2007  
INVENTOR(S) : Deem et al.

*DRAFT*

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0" and insert - by 77 days--